



Thursday, July 27, 2006

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**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 114

Subject: C14-06-0082 - Kurachi Paint and Body - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6605 Regiene Road (Carson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. First reading approved on June 22, 2006. Vote: 6-1 (Kim-Nay). Applicant and Agent: George Kurachi. City Staff: Robert Heil, 974-2330.

**Additional Backup
Material**

(click to open)

-  [Staff Report](#)
-  [Ordinance](#)

For More Information: Robert Heil, 974-2330.

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0082 - Kurachi Paint and Body

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 6605 Regiene Road (Carson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning.

DEPARTMENT COMMENTS:

The site zoned single family residence – neighborhood plan (SF-2-NP) and is currently used as an ad-hoc paint and body shop. The storage of vehicles is not permitted on the site, and the owner has been cited by APD for violations of the allowed uses in SF-2-NP zoning.

The neighborhood plan designates industrial use on the site and the surrounding properties. There are single family homes on Regeine Road, some on land zoned SF-2-NP and some on land zoned LI-NP.

OWNER/AGENT: George Kurachi

DATE OF FIRST READING: June 22, 2006 Approved staff's recommendation of LI-CO with a trip limitation of 2,000 trips per day, was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 6-1 vote. Council Member Kim voted nay.

PLANNING COMMISSION ACTION: May 9, 2006: *DENIED STAFF'S RECOMMENDATION FOR LI-CO-NP DISTRICT ZONING. [M.DEALEY, G.STEGEMAN 2ND] (7-0) K.JACKSON – LEFT EARLY*

CITY COUNCIL ACTION: July 27, 2006

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET**CASE:** C14-06-0082 – Kurachi Body and Paint**PC. DATE:** May 9, 2006**ADDRESS:** 6605 Regiene Road**OWNER/AGENT:** George Kurachi**ZONING REQUEST:** From SF-2-NP to LI-CO-NP**SUMMARY STAFF RECOMMENDATION:**

Staff recommends limited industrial – conditional overlay – neighborhood plan (LI-CO-NP) combining district zoning for the tract. The conditional overlay would limit daily vehicle trips to no more than 2000 per day.

PLANNING COMMISSION RECOMMENDATION:

May 9, 2006: *DENIED STAFF'S RECOMMENDATION FOR LI-CO-NP DISTRICT ZONING. [M.DEALEY, G.STEGEMAN 2ND] (7-0) K.JACKSON – LEFT EARLY*

DEPARTMENT COMMENTS:

The site zoned single family residence – neighborhood plan (SF-2-NP) and is currently used as an ad-hoc paint and body shop. The storage of vehicles is not permitted on the site, and the owner has been cited by APD for violations of the allowed uses in SF-2-NP zoning.

The request is for limited industrial – conditional overlay – neighborhood plan (LI-CO-NP) combining district zoning for the tract. The conditional overlay would limit daily vehicle trips to no more than 2000 per day.

The neighborhood plan designates industrial use on the site and the surrounding properties. There are single family homes on Regeine Road, some on land zoned SF-2-NP and some on land zoned LI-NP.

At the time of the neighborhood plan rezonings the single family zoning in the area was not changed to match the Future Land Use map, at the request of some of the stakeholders.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP	Paint and Body Shop
<i>North</i>	SF-2-NP and LI-NP	Single Family homes and undeveloped
<i>South</i>	LI-NP	Undeveloped
<i>East</i>	LI-NP	Single Family homes and undeveloped
<i>West</i>	SF-2-NP	Undeveloped

AREA STUDY: The site falls within the adopted East MLK neighborhood plan, which calls for industrial use on the site. The proposed zoning would bring the zoning in compliance with the adopted neighborhood plan.

TIA: Not Required

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Del Valle Neighborhood Association.
- East MLK Neighborhood Planning Contact Team
- Austin Neighborhoods Council (511)

SCHOOLS: (AISD)

- Norman Elementary School
- Dobie Middle School
- LBJ High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Regiene Rd	60'	20	Local	No	No	No

CITY COUNCIL DATE: **ACTION:**

June 8, 2006: Postponed to June 22.

June 22, 2006: Approved staff's recommendation of LI-CO on first reading. (6-1). (Councilmember Kim voting NO).

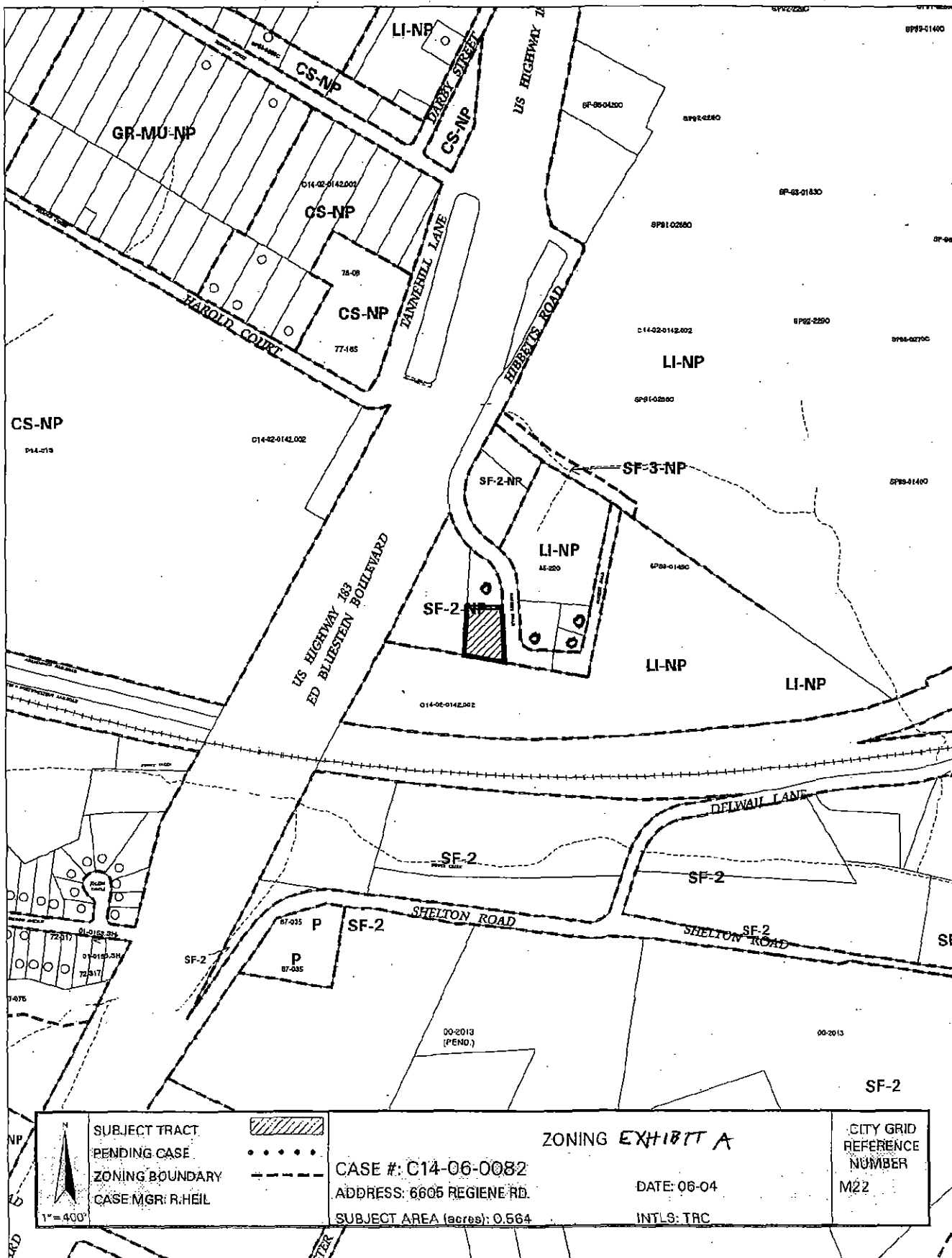
July 27, 2006:

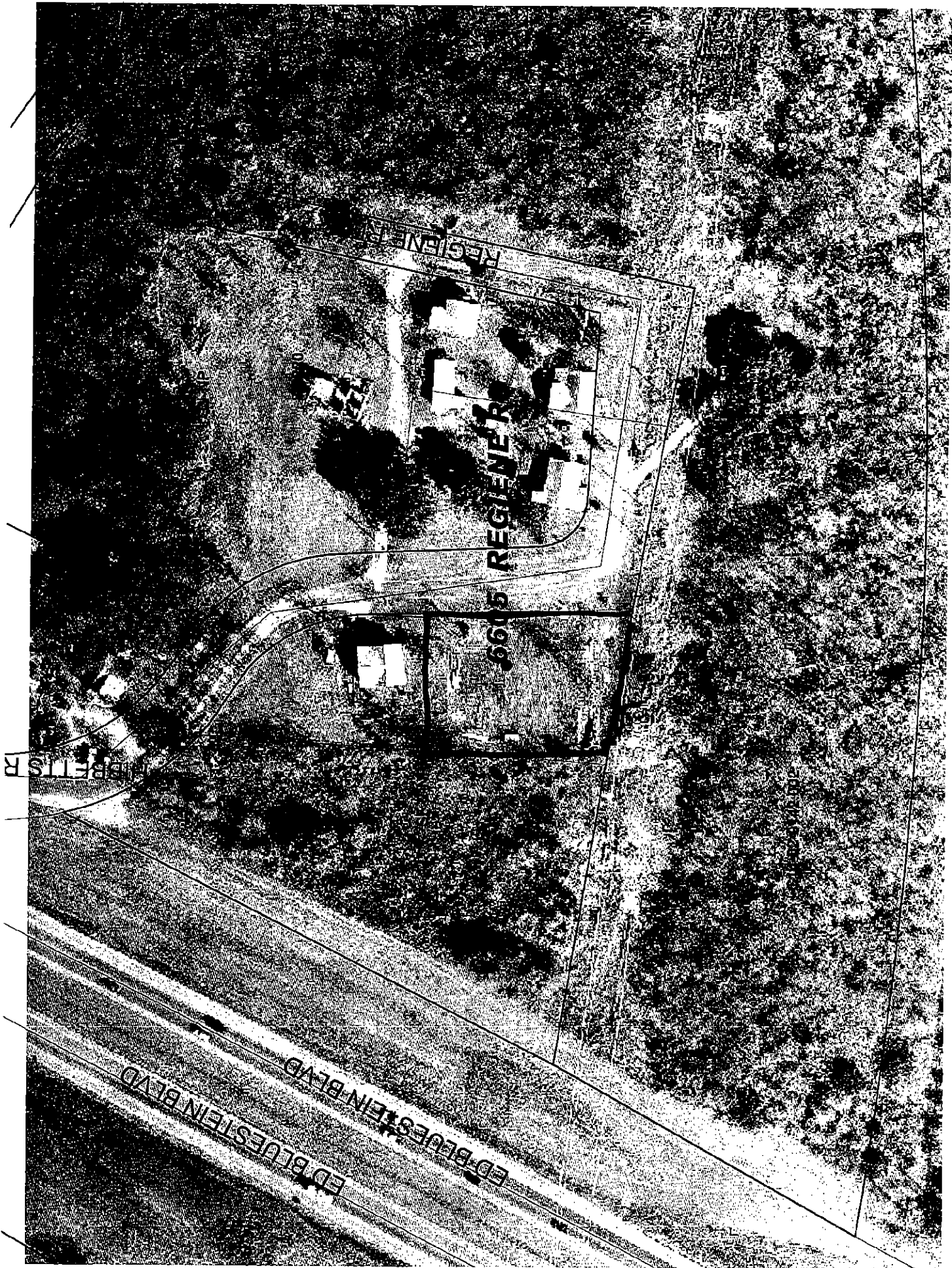
ORDINANCE READINGS: 1st: 6/22/06 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330





SUMMARY STAFF RECOMMENDATION

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should support adopted neighborhood plans.*

The site falls within the adopted East MLK neighborhood plan, which calls for industrial use on the site. The proposed zoning would bring the zoning in compliance with the adopted neighborhood plan.

EXISTING CONDITIONS

The site zoned single family residence – neighborhood plan (SF-2-NP) and is currently used as an ad-hoc paint and body shop. The storage of vehicles is not permitted on the site, and the owner has been cited by APD for violations of the allowed uses in SF-2-NP zoning.

The neighborhood plan designates industrial use on the site and the surrounding properties. There is a single family house on SF-2 zoned land immediately to the north of the property. Across Regeine Road there are three more houses, these on LI-NP zoned land.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggie Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

Additional right-of-way will be required for this site at the time of subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 2,727 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Regiene Rd	60'	20	Local	No	No	No

Water and Wastewater

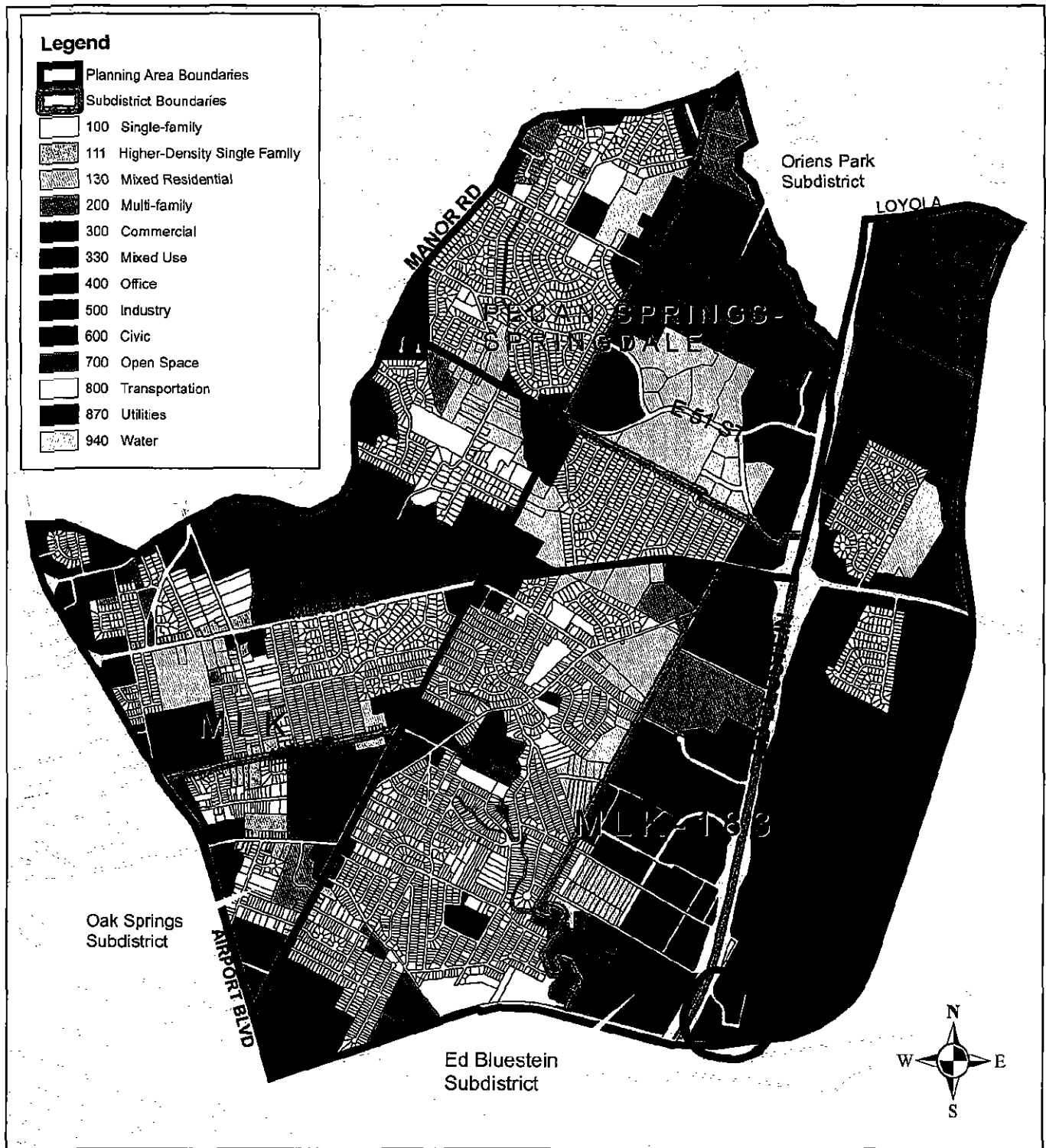
Currently, there is no City of Austin wastewater main at the site. The landowner intends to serve the site with an onsite septic system. The onsite septic system plan must be reviewed and approved by the Austin Water Utility.

There is an existing City water main at the site. However, the existing City water main may not have sufficient capacity for the land use and an offsite main extension and system upgrades may be required. The landowner, at own expense, will be responsible for providing the water utility improvements, offsite main extension, system upgrades, utility relocation, and adjustments.

The water utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin design criteria. The water utility construction must be inspected by the City. The landowner must pay all applicable and associated City fees.

Site Plan

No comments on site plan issues.



East MLK Combined Neighborhood Planning Area Future Land Use Map

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

Updates may occur past the date of this map. Please verify with the COA.

19. Rezoning: C14-06-0080 - San Jose Lofts
 Location: 108 Gibson, East Bouldin Creek Watershed, Bouldin Creek NPA
 Owner/Applicant: Southside Church of Christ (Josue Villa)
 Agent: Armbrust & Brown (Amanda Morrow)
 Request: MF-4-NP to CS-MU-CO-NP
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

~~**POSTPONED TO 05/23/06 (STAFF)**
[J.REDDY, K.JACKSON 2ND] (8-0)~~

20. Rezoning: C14-06-0082 - Kurachi Paint and Body
 Location: 6605 Regiene Road, Carson Creek Watershed, MLK-183 NPA
 Owner/Applicant: George Kurachi
 Agent: George Kurachi
 Request: SF-2-NP to LI-CO-NP
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

DENIED STAFF'S RECOMMENDATION FOR LI-CO-NP DISTRICT ZONING.
[M.DEALEY, G.STEGEMAN 2ND] (7-0) K.JACKSON – LEFT EARLY

SUMMARY

Robert Heil, staff, gave staff presentation to the commission. The CO would be to limit the daily vehicle trips to no more than 2,000 per day. This site is currently zoned single-family residence (SF-2) and the intent is to use it as a paint and body shop; it's currently being used as vehicle storage. The request is for limited industrial conditional overlay neighborhood plan. The main justification for the staff recommendation for the approval of the zoning request, is the East MLK Combined Neighborhood Plan. This is in the MLK Neighborhood Planning Area which was adopted in November 2002. The Plan in the area calls for industrial uses; there are still single-family residences in the area and on this street and these are, in some cases, on LI zoned land and there's undeveloped land that's single-family, so there's a difficult mix on this street. The main justification for staff's recommendation was that this neighborhood went through a neighborhood plan and they came up with this Future Land Use Map and that condition had not changed that we could see, where we would recommend against the adopted neighborhood plan.

Commissioner Stegeman – I just want clarification and to be clear, you said that it is zoned industrial, but there are homes there and kept it SF-2?

Mr. Heil – When a neighborhood plan is adopted they zone to match the future land use map, in this case, that would have entailed, taking single-family uses and zoning them industrial. I was not part of the plan, do frankly as to why that was not done; the thought was that it would displace the existing single-family homeowners.

George Kurachi, applicant – I would like to have my property changed from single-family to industrial, the reason for my request is that I have old vehicles that I have stored behind an 8-foot metal fence. I was told that I would need to get a zoning change or dispose the vehicles.

FAVOR

No speakers.

OPPOSITION

Dorothy Regeine – Spoke in opposition. My family has been there since the 1940's and plan to continue to live there under those same conditions. I think you can already see why I'm here and what the problem is with this location. I've been working with Code Compliance and Solid Waste Services with no results. I strongly suggest that you not grant this rezoning. The comment was made that it was primarily light industrial zoning and that was done as part of a big picture; and not as an invitation to small individuals who cannot stay in compliance with the codes that are pertaining to those properties. I have strong objections to a paint and body shop, because it's so close to residences and would be an environmentally unsound decision.

Commissioner Reddy – Where is your house in relation to this property?

Mrs. Regeine – My house is across the street from his property; and one of my rental houses is immediately adjacent to it; other houses are also in close proximity.

Commissioner Sullivan – What's the zoning there where the residences are, right now?

Mr. Heil – The single-family house north to this property is zoned SF-2; at the intersection that's also zoned single-family; the cluster of single-family houses across the road from the subject property are zoned LI.

Mrs. Regeine – I'm sorry, it is not zoned LI.

Mr. Heil – I'm doing that based on the records that the City has; and we can double check if those are in error, but that's the information that I have.

Mrs. Regeine – That is not what was presented to us at the Planning Commission meeting at that time in 2002. Our homes are not industrial; the property surrounding us is zoned light industrial.

Mr. Heil – Then that is something that I will have to check.

Commissioner Riley – Our maps seem to indicate that your land is zoned LI-NP in 1985.

Mrs. Regeine – I think that's when it occurred and was a mistake.

Commissioner Riley – If there's an interest in keeping residential in this area, then how come the neighborhood plan didn't reflect that? Were you involved in the neighborhood plan?

Mrs. Regeine – Yes I was involved and I was interested in keeping single-family here.

Commissioner Riley – I'm just having trouble understanding why the neighborhood plan calls for industrial there, if the neighborhood wanted single-family to stay.

Mrs. Regeine – The expectation was that we could continue as we were; I did not know that it had been zoned light industrial back in '85.

Commissioner Riley – When a plan calls for a particular zoning and someone comes and wants to develop something that complies with that use, then typically we would grant the rezoning to allow for that use. That's the difficulty that I have with this case because it is consistent with the neighborhood plan.

Mrs. Regeine – It will be a mistake to allow Mr. Kurachi his rezoning, because he's going to use it as a junk yard. I've been trying to work with the City for a long time regarding Mr. Kurachi's property, but haven't had any results. Please do not allow this rezoning on 6605.

Commissioner Riley – Is your long term vision for this area to be residential or industrial or both?

Mrs. Regeine – I don't know, developers aren't knocking down our door; if it's going to be light industrial, someone would be interested, but that has not been the case.

Mrs. Regeine – We have no reason to want to leave there; because it's an ideal place to live.

Commissioner Riley – It just leaves me puzzled as to why the neighborhood plan calls for industrial uses for that area.

Pennie Nixon – Spoke in opposition. Please do not rezone this property.

REBUTAL

Mr. Kurachi – I've had this body shop for 20-years with no complaints; when I placed the vehicles on this property that is when the neighbors started to complain. I want to keep my vehicles, which is why I am requesting LI zoning.

Commissioner Dealey and Galindo moved to close the public hearing.

Commissioner Dealey – I move to deny the zoning request.

Commissioner Stegeman – Second.

Commissioner Dealey – I think there is a misunderstanding as to what the zoning is for that area; I think at some point during the zoning process there was a miscommunication.

Commissioner Stegeman – Under these circumstances I just want to protect the neighborhood's interests.

Facilitator: Javier Delgado
City Attorney: Gordon Bowen, 974-2356

Commissioner Riley – I still have some difficulty because I'm looking at what the neighborhood plan is calling for; doesn't this give anyone a concern that we're talking about a rezoning that's consistent with the neighborhood plan?

Commissioner Sullivan – Yes, but a future land use map does not mean right now.

There was further discussion regarding the neighborhood plan.

Commissioner Riley – I would suggest to the residences in that area, if there's an interest in keeping that area residential, then I would encourage them to consider revisiting the neighborhood plan and consider an amendment to the plan.

Motion carried. (7-0)

DISCUSSION AND ACTION ON SITE PLANS

21. Conditional Use SPC-05-0031C - Parking Facility 5th & Brazos

Site Plan:

Location: 501 Brazos Street, Waller Creek Watershed, Downtown Neighborhood
Coalition NPA
Owner/Applicant: Walton Stacy Office Partners IV, LP
Agent: Bory & Partner, Inc. (Christopher Randazzo)
Request: Approval of Conditional Use Site Plan
Staff Rec.: **Recommended**
Staff: Betty Torres, 974-9795, betty.torres@ci.austin.tx.us
Watershed Protection and Development Review Department

POSTPONED TO 05/16/06 (PC)

[J.REDDY, G.STEGEMAN 2ND] (8-0)

***PUBLIC HEARING REMAINED OPEN.**

***MEETING WILL BE HELD AT TOWN LAKE CENTER (AUSTIN ENERGY) AT 6:30 P.M.**

Closed Caption Log, Council Meeting, 06/22/06

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at 974-2210.

THE COUNCIL MEETING WILL RESUME AFTER A SHORT BREAK. THANK YOU. LET ME ACQUAINT YOU WITH THE PROPERTY INVOLVED. CAN WE ZOOM INTO THE CENTER. ARE WE ABLE TO DO THAT? ZOOM IN EVEN MORE. THE KURACHI PROPERTY IS OUTLINED IN BOLD. TO THE SOUTH OF THE PROPERTY, IS -- IS A 15-ACRE TRACT ZONED LI. TO THE LEFT OF THE PROPERTY, WHICH WILL BE TO THE WEST, IS THE SINGLE FAMILY PROPERTY AND THAT'S VACANT. TO THE NORTH OF THE PROPERTY, IS A -- IS ALSO ZONED SINGLE FAMILY, THAT HAS A SMALL HOUSE ON IT. THIS NEIGHBORHOOD INCIDENTALLY, MEMBERS, IS A VERY SMALL AREA. IT IS MADE UP OF - OF FIVE PROPERTIES THAT ARE ZONED SINGLE FAMILY AND -- AND THREE PROPERTIES, IF YOU INCLUDE THE MOTOROLA PROPERTY, THAT ARE ZONED LI. IF YOU -- IF YOU DO THE COMPUTATION, DO A COMPUTATION OF THE LAND AREA THAT IS ZONED SINGLE FAMILY, 8:31:38:04PM 92 THAT WOULD CALCULATE OUT TO ROUGHLY 4.2 ACRES. THE AMOUNT OF LAND NOT INCLUDED IN THE MOTOROLA TRACT IS STILL 19-ACRES, WHICH INDICATES 82% OF THIS AREA IS ALREADY ZONED LI AND 18% IS ZONED RESIDENTIAL. NOW, YOU'LL NOTICE THE PROPERTY ACROSS REGIENE ROAD. DOES THIS WORK? ACROSS REGIENE ROAD, FROM MR. KURACHI'S PROPERTY, IS OWNED BY THE PROPERTY THAT IS OPPOSING THIS ZONING CHANGE REQUEST. THAT PROPERTY YOU WILL NOTICE IS STONED LIMITED INDUSTRIAL. ZONED LIMITED INDUSTRIAL. REGIENE. I THINK THAT IT'S WORTH TAKING A MOMENT TO SEE HOW THAT PROPERTY IS ZONED LIMITED INDUSTRIAL, WHY WE ARE HERE TO DEAL WITH THIS CASE LIKE WE ARE. IF YOU WILL NOTICE THE -- THE REGIENE PROPERTY ON THE NORTH SIDE OF THAT, THE LARGER PART OF IT IS 3.17 ACRES. THAT PROPERTY WAS PURCHASED BY A MAN NAMED MITCHELL BACK IN ABOUT 1985. MITCHELL WAS MARRIED TO REGIENE'S SISTER. MITCHELL THEN SOLD THAT PROPERTY TO A MAN NAMED BIRD. BIRD PLANNED TO PUT IN A STORAGE FACILITY ON THIS PROPERTY. AS A RESULT OF THAT PLAN, HE WENT FORWARD WITH GETTING THE PROPERTY ZONED LI BACK IN 1985. AND YOU WILL NOTICE THAT THE -- THAT THE SOUTH PART 8:33:26:01PM 93 OF THE REGIENE PROPERTY IS ALSO ZONED LI. THE REASON FOR THAT IS EVEN THOUGH THAT WAS OWNED BY MR. REGIENE, THE PARTIES THAT ARE HERE OPPOSING THIS TONIGHT, THEY AT THE TIME BACK IN 1985, THEY -- THE PLAN WAS THAT THE ENTIRE TRACK WOULD BE PURCHASED WE MR. BURR WOULD BE DEVELOPED FOR A STORAGE FACILITY. MR. BURR ENCOUNTERED FROM FINANCIAL TROUBLES. THERE WAS -- THOSE FINANCIAL TROUBLES LED TO HIM LOSING HIS PROPERTY AT A TAX SALE, IT WAS PURCHASED BY MR. REGIENE. SO THAT'S THE HISTORY REGARDING HOW -- HOW THE -- HOW THE MAIN PARTY THAT -- THE ONLY

PARTY THAT IS OPPOSING THIS, HAVING THEIR PROPERTY ZONED LI, AND NOW -- NOW IF YOU WILL NOTICE, I'M ASSUMING THESE LETTERS HAVE BEEN PROVIDED TO YOU. MR. KURACHI HAS LETTERS FROM THREE OF HIS NEIGHBORS WHO SUPPORT HIS ZONING CHANGE REQUEST. HE HAS A LETTER FROM -- FROM A MR. HAROLD WHO OWNS THE PROPERTY THAT IS -- THAT IS AT THE TOP OF THE SKETCH. SMALL, I THINK IT'S A HALF ACRE TRACT AT THE TOP OF THE SKETCH, OWNED BY MR. HAROLD HAS A SMALL HOUSE ON IT. TO THE SOUTH OF THAT TRACT IS AN ACRE-SIZED TRACT, THAT'S OWNED BY MR. KURACHI'S SON. AND THEN ACROSS -- ACROSS THE ROAD, I'M TRYING TO REMEMBER WHETHER -- ACROSS HIBITS ROAD -- [BUZZER SOUNDING] IS THAT MY TIMER? 8:35:11:21PM 94

MAYOR WYNN: YES, IT IS MR. HOPKINS, IF YOU ARE PRESENTING THE CASE, IF YOU TAKE A LITTLE BIT TO CONCLUDE. I WILL SAY IS GEORGE KURACHI HERE?

HE'S HERE.

WELL, HE WAS GOING TO DONATE TIME TO SOMEBODY SPEAKING IN FAVOR. SO IF YOU NEED IT, YOU COULD TAKE THREE MORE MINUTES TO FINISH UP THE PRESENTATION.

OKAY.

IF YOU NEED THAT MUCH.

OKAY. NOW, IN -- OKAY. I MENTIONED THAT YOU HAVE THESE LETTERS. I'M ASSUMING THAT YOU HAVE THESE LETTERS IN FRONT OF YOU. I PROVIDED THEM -- OKAY YOU HAVE THE LETTERS. THE LETTERS SAY ESSENTIALLY THE SAME THING BY EACH OF THE THREE NEIGHBORS. TWO OF THOSE NEIGHBORS HAVE RESIDENTIAL PROPERTIES THAT -- AND THEN THEIR -- IN THEIR LETTERS THEY STATE IN THEIR MIND THE PROPERTY SHOULD BE ZONED INDUSTRIAL. THE THIRD LETTER IS FROM -- FROM MR. HIBITS WHO OPENS THE 15-ACRE TRACT AT THE BOTTOM END OF THIS AREA. MR. KURACHI PLANS TO PUT IN A PAINT AND BODY SHOP. THAT IS A USE THAT'S CONSISTENT WITH THE NEIGHBORHOOD PLAN. THE -- THERE IS A TRANSMISSION LINE WITH 120 -- THERE'S 125-FOOT TOWER THAT RUNS ACROSS THE BACK OF MR. KURACHI'S 8:36:32:12PM 95 PROPERTY. THAT TRANSMISSION LINE CERTAINLY MAKES THE USE OF THIS PROPERTY FOR RESIDENTIAL PURPOSES AN UNSUITABLE USE. THE - - WHEN THE NEIGHBORHOOD PLAN WAS ADOPTED ONE OF THE THINGS THAT'S MENTIONED IN THE NEIGHBORHOOD PLAN IS THAT THEY TOOK INTO ACCOUNT THE TOPOGRAPHY OF THE AREA. THE TOPOGRAPHY OF THIS AREA. MAKES THIS AREA NOT CAPABLE OF BEING VIEWED FROM 183. WHICH MAKES THE ANTICIPATED USE A USE THAT'S CONSISTENT WITH THE NEIGHBORHOOD PLAN. AND THAT GUIDELINE THAT -- THAT -- THAT IS IN THE PLAN. WITH THAT I WILL STOP AND I WILL SAVE THE REMINDER OF MY REMARKS FOR THE REBUTTAL.

MAYOR WYNN: THANK YOU, MR. HOPKINS. QUESTIONS OF THE AGENT? COUNCIL? THANK YOU, SIR. NOW WE HEAR FROM FOLKS IN SUPPORT, THAT WOULD HAVE BEEN MR. KURACHI WHO DONATED HIS TIME TO MR. HOPKINS. WE ALSO HAVE NANCY COSTA SIGNED UP NOT WISHING TO SPEAK ALSO IN FAVOR, NOT HEAR FROM FOLKS IN OPPOSITION OF THE ZONING CASE. OUR FIRST AND ONLY SPEAKER IN OPPOSITION IS DOROTHY REGIENE? I'M SORRY? I'M SORRY IF I'M MISPRONOUNCING THAT. WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD EVENING TO ALL OF YOU. 8:38:07:21PM 96 AND CONGRATULATIONS TO ALL OF THE NEW MEMBERS. AS WELL. I AM DOROTHY REGIENE I'M HERE TO SPEAK ON BEHALF OF THE REGIENE FAMILY AN OUR TENANTS. WE -- THE REGIENE FAMILY HAS OWNED THIS PROPERTY SINCE THE 1940S. SIX GENERATIONS OF REGIENES HAVE LIVED HERE. IRA REGIENE, SENIOR, DEDICATED THE ROAD TO TRAVIS COUNTY IN 1957 FOR A PUBLIC ACCESS TO THE HOMES HE BUILT THERE. THESE RESIDENCES ARE 6603, 6702, 6704 AND 6706. THERE IS ALSO A RESIDENCE AT 6705, BUT NOT OWNED BY US. THE HOMES ARE SURROUNDED BY UNDEVELOPED LAND WITH THE EXCEPTION OF MR. KURACHI'S AT 6605. 6603 AND 6704 ARE [INDISCERNIBLE], 6603 IS IMMEDIATELY ADJACENT TO 6605. MY HUSBAND AND I LIVE AT 6702 ACROSS THE STREET FROM 6605. WE HAVE LOST SEVERAL POTENTIALLY GOOD TENANTS BECAUSE OF THE METAL JUNK YARD FENCE NEXT TO 6603. AND THIS SITUATION IS -- IS IMPACTING OUR INCOME IN RETIREMENT. OUR PROPERTY HAS PROVIDED US WITH A SENSE OF COUNTRY LIVING WHILE HAVING CONVENIENT ACCESS TO SHOPPING, CHURCH, MEDICAL CARE. WE WANT THAT TO CONTINUE. THE CITY PLANNING COMMISSION HAS STATED THIS -- HAS SLATED THIS GENERAL AREA FOR LI ZONING. 8:40:13:01PM 97 A QUOTE FROM ZONING CHANGE REVIEW SHEET USE THAT THE ZONING AND PLATTING COMMISSION MEETING ON MAY 9TH STATED, AT THE TIME OF THE NEIGHBORHOOD PLAN REZONINGS, THE SINGLE FAMILY HOMES WERE NOT REZONED TO MATCH THE FUTURE LAND USE MAP OVER CONCERNS ABOUT DISPLACING CURRENT RESIDENTS. WE BELIEVE IT IS TO REMAIN SO TODAY. THERE ARE CONCERNS ABOUT THE ENVIRONMENTAL ISSUES REGARDING THE SPECIFIC SITE, 6605. A PAINT AND BODY SHOP OR JUNK YARD SHOULD NOT BE LOADED IN THE -- IN THE IMMEDIATE VICINITY OF RESIDENCES. SINCE MR. KURACHI BOUGHT 6605, HE HAS USED IT PRIMARILY AS A JUNK YARD. AND YOU WILL REMEMBER IT IS ZONED SINGLE FAMILY. THIS HAS BROUGHT UNWANTED AND UNSAFE TRAFFIC AND MR. KURACHI HIMSELF HAS HAD ITEMS STOLEN FROM HIS PROPERTY [BUZZER SOUNDING] AS A PREVENTIVE MEASURE WE HAVE HAD NEIGHBORHOOD SECURITY LIGHTS INSTALLED. ANOTHER ISSUE INVOLVED HERE IS THE FACT THAT MR. KURACHI HAS A LONG HISTORY OF NON-COMPLIANCE WITH THE ESTABLISHED CITY CODES ON HIBITS ROAD, 6605 REGIENE ROAD AND HIS RESIDENCE ON JUSTICE LANE. THE VIOLATIONS INCLUDE DUMPING TRASH, STORING INOPERABLE VEHICLES, OPERATING AN AUTO REPAIR BUSINESS AT HIS RESIDENCE AND DUMPING INOPERABLE 8:41:46:09PM 98 VEHICLES ON PROPERTY THAT DOESN'T EVEN BELONG TO HIM. THIS OCCURRED ON REGIENE ON 6600 REGIENE ROAD AND PROPERTY BETWEEN 6605 AND HIGHWAY 183.

MS. REGIENE, YOUR TIME EXPIRED SO PLEASE CONCLUDE.

THAT INFORMATION CAME FROM OPEN RECORDS PROVIDED BY SOLID WASTE SERVICES. SO ON THE BASIS OF THIS INFORMATION -- ON THE INFORMATION THAT I HAVE PROVIDED THUS FAR, I RESPECTFULLY REQUEST THAT THE COUNCIL TO DENY THIS ZONING REQUEST. I THANK YOU FOR YOUR TIME AND CONSIDERATION, IF YOU HAVE QUESTIONS I WILL TRY TO ANSWER.

THANK YOU, MS. REGIENE. QUESTIONS, OF DOROTHY, COUNCIL? THANK YOU, MA'AM.

COUNCIL, THAT CONCLUDES THE FOLKS WHO WANT TO ADDRESS US IN OPPOSITION TO THE ZONING CASE, NOW OUR -- OUR AGENT OWNER APPLICANT HAS A THREE MINUTE REBUTTAL. WELCOME BACK, MR. HOPKINS.

MR. KURACHI REQUESTS THAT YOU GRANT HIS REQUEST. AND ALLOW THE ZONING CHANGE SO THAT HE CAN GO FORWARD WITH BUILDING A PAINT AND BODY SHOP. IT'S A USE THAT IS CONSISTENT WITH -- WITH THE NEIGHBORHOOD PLAN, THE CITY STAFF HAS -- HAS RECOMMENDED THE APPROVAL, MR. KURACHI'S REQUEST. I THINK WHEN YOU CONSIDER 8:43:31:18PM 99 THE AMOUNT OF LAND THAT'S ALREADY DEVOTED TO -- NOT DEVOTED TO, BUT ZONED FOR LIMITED INDUSTRIAL USE, ALMOST ALL THAT IS ALREADY ZONED THAT WAY AND YOU HAVE LETTERS FROM -- FROM TWO PROPERTY OWNERS WHO -- WHO HAVE PROPERTY THAT -- THAT IN MY MIND FRONTS 183. THERE WAS A ROAD THAT INTERVENES THERE CALLED HIBITS ROAD, BUT THAT'S A -- AS A PRACTICAL MATTER THOSE PROPERTIES FRONT ON 183. BOTH OF THOSE PROPERTY OWNERS HAVE -- HAVE EXPRESSED THEIR POSITION OF -- OF LIMITED INDUSTRIAL IS APPROPRIATE FOR THIS PROPERTY. THEN I MENTIONED THE TOWER AND YET YOU HAVE TO BE UNDER THESE -- UNDER THAT ELECTRICAL TRANSMISSION LINE TO APPRECIATE THE -- THE IMPACT THAT IT HAS. I CAN'T IMAGINE ANYBODY LIVING ON THIS PROPERTY AS THEIR HOME. THAT ELECTRICAL TRANSMISSION LINE, THERE WAS A PICTURE OF IT IN THE PACKET. I COUNTED 14 LINES -- ON THE TOWER. THE -- THE ONE USE THAT MR. KURACHI UNDER THE PRESENT ZONING COULD MAKE OF HIS PROPERTY IS BED AND BREAKFAST. I CAN'T IMAGINE THAT. I WOULD CALL THE COUNCIL'S ATTENTION TO -- TO THE -- TO WHAT HAPPENED AT THE COMMISSION, THE PLANNING COMMISSION MEETING. WHILE THE VOTE WAS 7-0, AND -- AGAINST MR. KURACHI'S REQUEST, THERE WAS ONE COMMISSIONER THAT EXPRESSED 8:45:17:09PM 100 MISGIVINGS ABOUT TAKING ACTION THAT WAS INCONSISTENT WITH THE NEIGHBORHOOD PLAN. AND HE ASKED MS. REGIENE WHAT SHE -- WHAT HER VISION WAS FOR THE NEIGHBORHOOD. AND THE RESPONSE TO THAT QUESTION, SHE SAID I DO NOT KNOW, DEVELOPERS AREN'T KNOCKING DOWN OUR DOOR. SO WHAT WE HAVE HERE IS A SITUATION WHERE THIS PROPERTY OWNER, THE PROPERTY OWNER THAT IS OPPOSING THIS REQUEST WOULD -- WOULD BE OKAY WITH LIMITED INDUSTRIAL IF IT WAS -- IN THEIR TIME FRAME. AND SUITED THEIR NEEDS. WELL,

THAT'S NOW HOW WE MAKE ZONING DECISIONS. SO I WOULD ASK THAT THE -- THAT THE COUNCIL GRANT MR. KURACHI'S REQUEST. THANK YOU.

THANK YOU, MR. HOPKINS. QUESTIONS OF THE -- OF THE AGENT? OR ANYBODY ELSE? ANYONE ELSE?

MAYOR WYNN: WELL, IF -- IF THE COUNCILMEMBER NEEDS THAT, THEN YOU CAN, SO WHY DON'T YOU APPROACH THE PODIUM, I BET THERE WILL BE A QUESTION OR TWO OF YOU MRS. REGIENE. WELCOME.

THANK YOU FOR ALLOWING ME TO SPEAK AGAIN.

LEFFINGWELL: I WOULD ASK YOU THE QUESTION, WHAT WAS THE MISTAKE THAT YOU WANTED TO CORRECT?

THANK YOU, COUNCILMEMBER.

I -- I DID NOT SAY THAT DEVELOPERS ARE NOT KNOCKING 8:46:55:22PM 101 DOWN OUR DOOR. I SAID THEY ARE NOT KNOCKING DOWN OUR DOOR. THAT WAS IN RESPONSE TO SOMETHING WHEN COMMISSIONERS SAID. THAT SOME DAY THIS WOULD BE A VALUABLE PROPERTY TO A DEVELOPER. WELL, WE DON'T FEEL THAT WAY BECAUSE WE WANT TO LIVE THERE, WE WANT TO LIVE OUT OUR LIVES THERE. MY HUSBAND IS -- IS ILL WITH COPD. AND INCIDENTALLY HAVING A PAINT AND BODY SHOP NEXT DOOR IS ABOUT THE WORST THING THAT I CAN IMAGINE FOR HIM. OUR FAMILY HAS LIVED THERE A LONG TIME. WE -- WE INTEND TO LIVE OUT OUR LIFETIME THERE AND THE PROPERTY WILL FALL INTO THE HANDS OF OUR CHILDREN. AND WHAT HAPPENS THEN, WHICH WE HOPE IS A LONG TIME FROM NOW. IS UP TO THEM. BUT FOR THE TIME BEING, IT IS PRIMARILY A RESIDENTIAL AREA. AND I THINK THAT -- THAT THE WORST THING THAT COULD HAPPEN -- EVEN THOUGH THE -- THE PLANNING COMMISSION HAS ZONED THIS LIGHT INDUSTRIAL, THAT IS FOR DEVELOPMENT, I THINK THE WORST THING THAT COULD HAPPEN IS -- IS THAT YOU ALLOW SUCH A THING TO DISPLACE THE RESIDENTS. AND THIS IS WHAT -- WHAT THE -- WHAT THE COMMISSION FELT, I BELIEVE. THEY SAID THAT EVEN THOUGH THE -- THE LAND PLANNING USE ZONED IT LIGHT INDUSTRIAL, THAT DIDN'T MEAN THAT IT HAD 8:48:42:24PM 102 TO HAPPEN IMMEDIATELY. AND ANOTHER POINT THAT I WOULD LIKE TO MAKE IS THAT WHEN THE MITCHELLS SOLD THE PROPERTY, THEY SOLD, WHEN ACTUALLY THE SALE SHOULD HAVE BEEN COMPLETE FOR ALL OF THOSE PROPERTIES. THEY HAD DECIDED AT THAT TIME THAT THEY -- THAT THEY WOULD JUST SIMPLY SELL OUT. BUT THE MITCHELLS WERE ABLE TO GET THE MONEY FOR THEIR PROPERTY AND NOTHING ELSE HAPPENED THEN ON THE PURCHASE OF THE REMAINING PROPERTIES AND THAT'S HOW THE REGIENE PROPERTY BECAME ZONED LIGHT INDUSTRIAL.

MAYOR WYNN: ALL RIGHT, THANK YOU, MS. REGIENE. FURTHER QUESTIONS, COUNCIL? COMMENTS?

DUNKERLY: I HAVE ONE QUESTION. I WOULD OFFER A MOTION. TO THE STAFF, JERRY, MR. RUSTHOVEN, SORT OF LIKE GETTING OUT MAYOR PRO TEM. [LAUGHTER] OKAY. THE STAFF RECOMMENDATION IS IN AGREEMENT WITH THE NEIGHBORHOOD PLAN?

YES, IT IS.

DUNKERLY: OKAY. I WOULD MOVE THAT WE CLOSE THE PUBLIC HEARING AND APPROVE THE STAFF RECOMMENDATION.

MAYOR WYNN: MOTION MADE BY -- BY MAYOR PRO TEM DUNKERLY TO CLOSE THE PUBLIC HEARING AND APPROVE STAFF RECOMMENDATION ON ITEM 118. SECONDED BY COUNCILMEMBER 8:50:13:10PM 103 COLE. FURTHER COMMENTS? QUESTIONS? JUST CONFIRM MR. RUSTHOVEN, STAFF RECOMMENDATION WAS THAT LI-CO-NP.

CORRECT. THE STAFF RECOMMENDATION IS LIGHT INDUSTRIAL CONDITIONAL OVERLAY NEIGHBORHOOD PLAN.

TO BE COMPLIANT WITH THE NEIGHBORHOOD PLAN. UNLESS IT'S TOO LENGTHY, WHAT WERE THE MAIN COMPONENTS OF THE CONDITIONAL OVERLAY?

THE CONDITIONAL OVERLAY WAS JUST ONE CONDITION, THAT WAS TO NOT EXCEED 2,000 VEHICLE TRIPS PER DAY.

QUESTIONS? COUNCILMEMBER KIM.

BECAUSE THIS AREA IS LARGELY UNDEVELOPED, ALSO CONTAINS MOSTLY SINGLE FAMILY HOMES, EVEN THOUGH THE [INDISCERNIBLE] I WON'T BE SUPPORTING THE MOTION. I THINK THAT IT'S JUST LIKE THE PLANNING COMMISSION, I THINK THIS SHOULD REMAIN FOR SINGLE FAMILY HOMES.

COUNCILMEMBER MARTINEZ -- ALVAREZ -- MARTINEZ.

A LITTLE LESS HAIR THAN RAUL. [LAUGHTER]

DUNKERLY: WE ARE HAVING TROUBLE TONIGHT.

YOU KNOW, I NORMALLY WOULD ALSO BE SUPPORTIVE OF MAINTAINING SINGLE FAMILY WHERE APPROPRIATE, BUT I AM REALLY FAMILIAR WITH THIS AREA HAVING WORKED IN THAT PART OF TOWN FOR THE LAST 13 YEARS AND I DO BELIEVE THAT THIS WOULD -- THIS IS MORE 8:51:34:07PM 104 WHAT'S COMPATIBLE WITH THE SURROUNDING PROPERTIES. SO I WILL BE SUPPORTING THE MOTION.

MAYOR WYNN: THANK YOU COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS?
AGAIN A MOTION AND A SECOND ON THE TABLE TO APPROVE STAFF
RECOMMENDATION, LI-CO-NP. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN
FAVOR PLEASE SAY AYE.

AYE.

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 6-1 WITH COMMITMENT VOTING NO.
COUNCILMEMBER KIM VOTING NO.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 6605 REGIENE ROAD IN THE MLK
3 NEIGHBORHOOD PLAN AREA FROM SINGLE FAMILY RESIDENCE
4 STANDARD LOT-NEIGHBORHOOD PLAN (SF-2-NP) COMBINING DISTRICT
5 TO LIMITED INDUSTRIAL SERVICES-CONDITIONAL OVERLAY-
6 NEIGHBORHOOD PLAN (LI-CO-NP) COMBINING DISTRICT.

7
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

9
10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from single family residence standard lot-neighborhood plan (SF-
12 2-NP) combining district to limited industrial services-conditional overlay-neighborhood
13 plan (LI-CO-NP) combining district on the property described in Zoning Case No. C14-06-
14 0082, on file at the Neighborhood Planning and Zoning Department, as follows:

15
16 A 0.564 acre tract of land, more or less, out of Lot 1, Kurachi Subdivision, the tract
17 of land being more particularly described by metes and bounds in Document No.
18 2002229602 and Document No. 2003028282, of the Official Public Records of
19 Travis County, Texas (the "Property"),

20
21 locally known as 6605 Regiene Road, in the City of Austin, Travis County, Texas, and
22 generally identified in the map attached as Exhibit "A".

23
24 PART 2. The Property within the boundaries of the conditional overlay combining district
25 established by this ordinance is subject to the following conditions:

26
27 A site plan or building permit for the Property may not be approved, released, or
28 issued, if the completed development or uses of the Property, considered cumulatively with
29 all existing or previously authorized development and uses, generate traffic that exceeds
30 2,000 trips per day.

31
32 Except as specifically restricted under this ordinance, the Property may be developed and
33 used in accordance with the regulations established for the limited industrial (LI) base
34 district and other applicable requirements of the City Code.
35
36
37

PART 3. This ordinance takes effect on August 1, 2006, 2006.

PASSED AND APPROVED

§
§
§

Will Wynne
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk

Draft: 7/7/2006

